UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/134
24 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda items 9 and 14 (b)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Letter dated 22 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* a statement by the Federal Government of the Federal Republic of Yugoslavia. I would like to ask you to have it published as an official document of the fifty-fifth session of the Commission on Human Rights under agenda items 9 and 14 (b).

(Signed): Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

---

* The enclosure is reproduced as received, in English only.

STATEMENT OF THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

The Federal Government at its today's meeting, chaired by Prime Minister Momir Bulatovic, reviewed the proceedings and the results of the meetings on Kosovo and Metohija held in Rambouillet and Paris, as well as the statement made by the two Co-Chairmen. The Federal Government noted that the further negotiations have been postponed. At the same time, some international representatives are calling into question the diplomatic means and have intensified fresh military threats against our country, which is reprehensible. The Federal Government noted that the Rambouillet talks had not brought about political agreement. This was confirmed in the statements of the Co-Chairmen, and on the basis of that assessment they suggested that the negotiations be continued. There were no talks in Paris. As a result, no agreement could have been reached. The text signed by some members of Kosmet Albanians is not the Agreement of Rambouillet but the text published before all the meetings. The delegation of the Republic of Serbia cannot be blamed for failure of the talks. By accepting the ten principles established by the Contact Group, it demonstrated its firm determination to achieve a political agreement.

The Federal Government urges that the initiated talks be resumed and that all the participants in these talks apply good will to bring the text of the political agreement, in all its segments, in line with the Contact Group's ten principles. The Federal Government fully supports the position of our multi-ethnic delegation not to accept those provisions of the political agreement bringing into question equality of national communities and giving Kosmet the status of a third federal unit or the status of an independent State. The Federal Government points out that no one has the right to force Serbia and the Federal Republic of Yugoslavia to sign such a document. The Federal Government also supports the orientation of the delegation designated by the Republic of Serbia to first reach a political agreement and then to talk about its implementation. A political agreement whereby representatives of the political parties of Kosmet Albanians will accept autonomy and express respect for the territorial integrity and unity of the Republic of Serbia will be the best proof that they have given up the project of destroying the State whose full-fledged citizens they are. Upon signing the political agreement, representatives of the political parties of Albanians could participate in the talks on its implementation but only with members of the delegation of the Republic of Serbia.

The Federal Government has been informed about the unilateral decision of the OSCE Chairman-in-Office to withdraw the members of the Kosovo Verification Mission and noted that the Republic of Serbia and the Federal Republic of Yugoslavia have given no cause for making such a decision. The Federal Government reserves the right to draw appropriate conclusions from this unilateral and counter-productive act. The Federal Government condemns in the strongest terms the build-up of foreign troops on the border of FR Yugoslavia as well as public threats of NATO aggression against our country, which

directly undermines the process of political settlement in Kosovo and Metohija; represents support to separatism and terrorism; violates the fundamental principles enshrined in the UN Charter and the OSCE Helsinki Final Act, and threatens the very foundations of the international legal order. This, at the same time, could pose a threat to peace and security in the wider region of South Eastern Europe and sets a dangerous precedent in international relations. All those threading to use force against our country must face the responsibility for the consequences of humanitarian problems which might arise as a result of the use of such force. Therefore, the Federal Government reiterates its call on the UN Security Council and the OSCE Permanent Council to take necessary steps to rule out force and the military threat against FR Yugoslavia, as an independent, sovereign and peace-loving country and a Member State of these organizations, and to uphold a peaceful political settlement in Kosovo and Metohija.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/135
30 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 24 March 1999 from the Permanent Representative of the Czech Republic to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

I would refer to your meeting with Mr. Martin Palouš, the Vice-Minister for Foreign Affairs, during which Mr. Palouš presented to you the Czech position and new approach to human rights and transmitted to you the personal letter of President Václav Havel.

In this connection, I would like to ask you kindly to circulate this letter* as an official document of the Commission.

(Signed) Miroslav Somol
Ambassador
Permanent Representative

* The annex is reproduced as received, in the language of submission only.

GE.99-11763 (E)

BEST COPY AVAILABLE

ANNEX

Prague, 23 March 1999

Dear Madam,

Allow me to inform you about an initiative that the Czech Republic intends to introduce in the United Nations Commission on Human Rights in Geneva. Feeling a lasting respect and admiration for your activities in the field of international politics, as well as for your personal integrity, I am gratified to be able to turn to you, Madam High Commissioner, in this important matter.

The initiative envisages putting forward a resolution on the present human rights situation in Cuba.

As you will remember, open criticism in the Commission of the dismal state of human rights and civil liberties in that country has until now been coming from the United States. Last year's failure of the American resolution indicated that it was time for other members of the democratic community also to address themselves to this compelling issue. We have decided to undertake this task, being convinced that such course of action fully corresponds with our concept of indivisibility of human rights and responsibility for defending them in any part of the world.

In the case of Cuba, our feeling of responsibility is all the stronger in view of our close acquaintance with that country, dating from the period of our previous political regime when thousands of Czechs became familiar with the Cuban situation. Both of our nations encountered similar political fates: our own country used to suffer the multiple adverse effects of the same ideology that is still advanced by the Government of Cuba. Having directly experienced the impact of that ideology and the resulting suppression of human rights, we remember very well how important it was to us in those times when that policy was criticized by the free world. We thus know that by voicing open criticism of the undemocratic conditions in Cuba, we encourage all the brave Cubans who endure persecution and years of prison for their loyalty to the ideals of freedom and human dignity. At present, we are seeing intensified repression of the advocates of freedom in Cuba; the expectations of a gradual progress toward more democracy, associated with last year's visit of His Holiness Pope John Paul II to the island, are obviously not being fulfilled. This adds to the reasons that prompt us to launch this initiative before the United Nations Commission of Human Rights. We have good reason to believe that other countries will join us in this undertaking.

It may be that this initiative will not be correctly understood, or favourably received, by everyone. We are aware of that. We realize that, for a number of reasons, some countries give priority to other categories of values and may consider our criticism of Cuba to be excessive or far-fetched. But we are not willing to compromise with the principle that human rights are indivisible. Our own historical experience impels us to be firm on this point. We are prepare to take the risks involved in initiating such a step before an international organization; all the more, however, do we expect support on the part of those countries with which we share the set of democratic values.

The proposed resolution is not meant just to criticize, or even to utter threats of sanctions. Our intention is to express also a readiness of the democratic community to lend Cuba a helping hand in its difficult situation and to support all steps indicating a will to introduce more democracy in the country.

Only the voting result will show to what extent we will have succeeded in our intentions. Whatever the outcome, our conviction that this step is the right thing will remain unchanged. We can imagine ourselves in the position of those whose cause we are advocating. Our own past history supplies ample evidence that far too often the roles of the defenders and the defended can be reversed.

I trust, Madam High Commissioner, that you will understand the reasons that lead us to undertake this initiative.

Respectfully yours,

(Signed V. Havel)

Her Excellency
Mary Robinson
High Commissioner for Human Rights
United Nations
Palais des Nations
Geneva

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/136
30 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 24 March 1999 from the Ambassador, Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* a document entitled "Reply of the President of the Federal Republic of Yugoslavia, Mr. Slobodan Milosevic, to the message of the Co-Chairman of the Rembouillet meeting, Ministers of France and of Great Britain, Messrs. Hubert Vedrine and Robin Cook". I would like to ask you to have it circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda item 9.

(Signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in the language of submission only.

REPLY OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA, MR. SLOBODAN MILOSEVIC, TO THE MESSAGE OF THE CO-CHAIRMEN OF THE RAMBOUILLET MEETING, MINISTERS OF FRANCE AND OF GREAT BRITAIN, MESSRS HUBERT VEDRINE AND ROBIN COOK

Gentlemen Ministers,

This is my reply to the message you have sent me. The talks in Paris, which you called adjourned, did not take place at all. The delegation of the Government of the Republic of Serbia and the representatives of the Albanian separatist and terrorist movement never met to talk. As concerns the signed "Agreement", two documents were signed in Paris. One of the documents was signed by the representatives of all national communities from Kosovo, and these are the representatives of Kosovo. The other document was signed by the representatives of the Albanian separatist and terrorist movement, and they, of course, are not the representatives of Kosovo. That other document, which you call the Rambouillet Agreement, however, is not the Rambouillet Agreement. For neither in Rambouillet, nor in Paris, people who came to negotiate, did not negotiate. There were no talks between them, therefore there could be no common document to be accepted or rejected.

Otherwise, the text you call the Rambouillet Agreement, was published in the Kosovo press (the Albanian paper "Koha Ditore") before the start of the Rambouillet talks. Belgrade is tolerant, but not stupid. Thanks to the stupidity of someone else, the document which should have been the result of the talks which were still to take place, was published. Of course, we have nothing against preparing a draft document before the start of the talks. But we are strongly against not having talks at all, and being asked to sign something which could eventually be a draft agreement as an agreement, never meeting those with whom we should have agreed. Therefore, my reply to your sentence "the agreement is on the table", is the following: Only a draft agreement could be at the table. But an empty table does not bring about an agreement. Nor can an agreement be reached only if one side of the table is filled. Those concerned with the agreement must sit at the table. Regarding your threats with NATO military intervention, your peoples should be ashamed of them, for you prepare yourselves to use force against a small European nation, just because it protects its territory from separatism, protects its citizens from terrorism, and its historical dignity against rats who know nothing about history or dignity.

You say that large movements of our security forces are a matter of great concern. If you think they are a matter of concern for the separatists who would like to take away a part of the territory of Serbia and Yugoslavia, they, of course, should be concerned. If you have in mind some possible aggressors outside Yugoslavia, this should be a matter of concern for them, too. It is really possible for a normal person to think that somebody who is being threatened will not show the intention to defend himself. You are, Gentlemen, Ministers of Foreign Affairs of two European countries, and as such are distinguished diplomats. In such a capacity, you have the right to

mediate, to negotiate, to advocate goodwill, to strive for peace in Europe, for better relations among nations. But you do not have the right to threaten other countries and other citizens, nor to arrange life in other countries. We stay with our strong opinion to solve the problems in Kosovo and Metohija by peaceful means, through negotiations. The fact that negotiations did not take place in Rambouillet and in Paris does not mean that we should give up negotiations. At least from our peaceful and democratic standpoint.

Slobodan Milosevic

Belgrade, 22 March 1999

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/137
30 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 24 March 1999 from the Ambassador, Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith*, the "Comments of the Government of the FR of Yugoslavia on the reports of the Special Rapporteur of the Commission on Human Rights in the Former Yugoslavia - Jiri Dientsbier - Part relating to the FR of Yugoslavia". I would like to ask you to have it circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda item 9.

(Signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

---

* The annex is reproduced as received, in the language of submission only.

GE.99-11777 (E)

COMMENTS OF THE GOVERNMENT OF THE FR OF YUGOSLAVIA ON THE REPORTS OF THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS IN THE FORMER YUGOSLAVIA JIRI DIENSTBIER - PART RELATING TO THE FR OF YUGOSLAVIA

The Report and Addendum to the Report[1] of the UN Special Rapporteur on Human Rights, Jiri Dienstbier, submitted following his visits to the FR of Yugoslavia in April, September and October 1998, contain unsubstantiated assessments of human rights violations in our country, in particular in the area of the AP of Kosovo and Metohija, by placing an equal sign, without any foundation whatsoever, between the legitimate anti-terrorist actions of the authorities and terrorism of the Albanian separatist groups. Also noticeable is the uncritical assessment of the situation of human rights in the area of Raska that has allegedly given rise to intensified emigration of Muslims to Bosnia and Herzegovina and to some West European countries.

The Special Rapporteur expressed his concern in the Report over alleged cases of unlawful acts by police, physical ill-treatment of persons brought in or placed in custody, failure to provide medical treatment to these persons, and over the use of heavy weapons, looting and deliberate destruction of the property owned by Albanians in Kosovo and Metohija by "government forces" in retaliation, etc. Also, there is no real or formal link, consequently, no justification for making comparisons in the report, between the demonstrations of the Albanian ethnic community in Kosovo and Metohija, organized in support of terrorist activities of Albanian separatists, and the gatherings of students and citizens in Belgrade. The Special Rapporteur expressed his special concern for the conduct of the police in connection with the attacks made by the Albanian terrorists in the area of Drenica,

---

[1] Initial comments on these UN documents published as A/53/322 of 11 September 1998 and A/53/322/Add.1 of 30 October 1998, were published as document A/C.3/53/14 of 13 November 1998 in the form of a letter from the Permanent Representative of the FRY in New York to the President of the 53rd session of UNGA.

Ljubenic, Poklek and Orahovac, as well as for the fate of allegedly 700,000 persons whose return to their homes - "destroyed in fighting" - has been rendered impossible.

After thoroughly checking out the allegations contained in the Report and its Addendum, and upon re-examination of all the above-mentioned accusations related to the alleged cases of police torture and abuse, it has been established that most of the accusations are baseless. In this connection, the real facts and comments will be presented further on in the text - by chapters and paragraphs contained in the Report and its Addendum.

Before proceeding in this way, some more detailed information will be given, information not associated with the specific assertions of the Special Rapporteur contained in his two reports referred to above, but which, in our opinion, shows beyond doubt that the human rights in Kosovo and Metohija are not threatened or violated by the State authorities but by actions of Albanian terrorists and separatists. Horrible crimes are being committed in Kosovo and Metohija against all those of different ethnicity or those having different views, in order to create the so-called Greater Albania as a common ultimate goal of Albanian terrorists and forces in the Republic of Albania. No agreements on normalization of relations reached between the Yugoslav and Serbian institutions, on the one hand, and representatives of the Albanian national minority in Kosovo and Metohija, on the other, or indeed no agreements achieved with international mediation, could have been implemented so far or could have checked terrorist violence. The killings of civilians (including minor children), soldiers and policemen continued, as well as abductions, arms smuggling, armed attacks on and looting of Orthodox religious establishments and monks in them.

Unfortunately, in the period reported also by Mr. J. Dienstbier, international observers who are expected to offer unbiased assessment of the situation in Kosovo and Metohija followed the same pattern, their reporting being reduced to outright accusations of the Serbian police on the one hand and absolute lack of any criticism of, or even reference to, Albanian terrorists in such way, thus implicitly justifying their actions as a result of alleged provocations. The use of

double standards vis-a-vis the terrorists, depending on the country targeted by them or on whose interests they represent, is in any case dangerous, and unacceptable to the FRY.

1. In the course of 1998 there was an escalation of Albanian terrorism in the area of the AP of Kosovo and Metohija. Out of a total of 1,885 terrorist attacks made during 1998, 1,129 were directed against members and establishments of the organs of security. In the attacks 115 policemen were killed, 403 were seriously or slightly wounded and 15 were taken hostage (3 of them were killed, 3 released and the fate of 9 is unknown).

In the course of 1998 the terrorists in Kosovo and Metohija committed numerous terrorist acts against civilians. In these attacks:

- 46 Serbian and Montenegrin civilians were killed, as well as 77 Albanian civilians loyal to the States of Serbia and Yugoslavia; 5 Roma civilians ; 14 civilians of various nationalities, holders of public offices or those employed in public services;

- 74 Serbian or Montenegrin civilians; 3 civilian members of the national community of Goranies sustained serious or light injuries;

- 173 Serbian and Montenegrin civilians, 102 members of Albanian nationality, 4 Roma, 2 Egyptians were abducted.

The Albanian terrorists, belonging to the so-called KLA, attempted 708 times to cross the State border in 1998 (504 attempts to enter the FRY and 204 to leave its territory) for the purpose of training and arming themselves in Albania and/or engaging in terrorist actions in the FRY. During these attempts there were 125 border incidents, of which 100 were armed attacks in which several thousand terrorists attacked Yugoslav border guards. As far as the structure of the killed (715), wounded (366) and captured (93) terrorists is concerned, members of the Albanian national minority in Kosovo and Metohija, nationals of Albania, fundamentalists from the Middle East and Asia (a number of them linked to Osama bin Laden) and mercenaries from European States (including the States which have

emerged in the territory of the former Yugoslavia) were identified. In the discharge of the tasks of securing the State border and preventing infiltration of terrorists, 36 Yugoslav Army (VJ) personnel were killed and 105 were wounded. It is worth noting that most of the attempted illegal crossings were supported by the fire of the Albanian Army.

It should be pointed out that the terrorists of the so-called KLA, just as it was the practice during the Second World War, set up camps for detainees throughout Kosovo and Metohija (Junik, Glodjane, Izbica, Lipovica, etc.), applying the methods of Nazi-fascists in killing them (crematorium in Klecka for burning Serbs and Montenegrins, places of execution such as Donji Ratis, Volujak and others), which met inadequate or no reaction at all on the part of the international community and general public, or even of Mr. Dienstbier himself. Especially worrying is the silence of Mr.Dienstbier regarding the facts set out in these comments, which, despite concealment, selective and tendentious presentation by the world media, even by United Nations representatives, nevertheless got through to the world public. There is hardly any need to mention that they were known to the public in the FRY and, consequently, also to numerous international representatives in the broadest sense of the word.

In their actions, the terrorists often brutally tortured, raped and subsequently killed civilians, women, children and the elderly, in the fields, on the roads, in the backyards of their homes, in vehicles, in cafes. The killings were often committed in front of the members of their families or of fellow villagers, with the aim of intimidating the population or getting them to take part in terrorist actions. There are hard proofs available to the authorities, including the testimonies of the perpetrators of these crimes from among the terrorists themselves.

Numerous examples speak of the crimes of Albanian terrorists against the Serbian and Montenegrin population. On 4 May 1998, Albanian terrorists first massacred with a knife the body of Nenad Jaredic, acting post office manager in the village of Dobra Voda, municipality of Klina, and then shot him in the head; on 20 May 1998 they took the boy Dalibor Lazarevic out of the yard of his home in the village of Budisavci near Klina and shot him dead by a firearm; on 24 June 1998, in the village of Kijevo, municipality of Klina, they killed Rados Spasic (born in 1945),

headmaster of the "Laza Lazarevic" elementary school in this village; on 6 August 1998, near the Djakovica-Pec main road, in the vicinity of the village of Erac, municipality of Djakovica, the Albanian Sinanaj Musa shot and killed by a handgun Velimir Knezevic from Erac (born 1923); the murder was ordered by the so-called KLA, with the promised reward of DM 45,000, so as to make the remaining Serbs and Montenegrins leave this particular, as well as surrounding villages and go outside the territory of Kosovo and Metohija. The Albanian terrorists tortured, abused and raped Cveta Simic (born in 1929) from the village of Pantina, municipality of Vucitrn. She was abducted from her home on 26 June 1998 and she was left, exhausted and unconscious, by terrorists alongside the Vucitrn-Pantina road, on 7 July 1998. C. Simic sustained head injuries inflicted by a blunt instrument. She was stabbed about her neck, including visible signs of strangulation. There were some burns across the chest caused by a red-hot object. Cveta Simic died in hospital in Belgrade on 19 August 1998 as a result of the injuries sustained while in captivity.

In a large number of similar statements of terrorists confirming the crimes of Albanian terrorist groups, characteristic is the statement given by one of the ringleaders from the village of Opterusa, Safet Kabasi (36), who joined the so-called KLA at the beginning July 1998, upon his return from Austria where he was a migrant worker. On the occasion of the terrorist attack on Opterusa and Retimlje, villages near Orahovac, Kabasi raped two Serbian women on orders from his "commanders", in front of captured Serbs from Retimlje and then shot at Rajko Nikolic, one of the captured Serbs. The other terrorists ordered Rajko's 17-year old son Cvetko to bring petrol and then poured it on the wounded Rajko and burned him to death. Kabasi also stated that 47 soldiers of the so-called KLA raped two Serbian women.

The members of Albanian terrorist groups cruelly treated their fellow Albanian countrymen who were not supportive of terrorist activities and separatism, killing even women and small girls. Thus, on the night of 22/23 August 1998, on the Prizren- Suva Reka road, near the village of Toplicane, they killed Ljatifa Koljoli and her 19-year old daughter Rusa with shots fired from automatic weapons. Their bodies were found in a ditch by the road with their hands tied on their backs, blindfolded with a piece of white cloth. The Koljoli family was known as having

publicly denounced the separatist policy of Albanian terrorists. On 14 April 1998, the Albanian separatists attacked Ramadan UK (born in 1971) and his wife Zoja (born 1972) in the village of Budisavci, municipality of Klina, because Ramadan's father Nezaj voted in the elections in the Republic of Serbia in December 1997. Ramadan was severely beaten and his wife was raped in his presence; at the beginning of May 1998 the terrorists first killed Sabanaj Beg and Hajder Kuci from Decani by hanging them and then throwing their bodies into the Bistrica river; on 24 April 1998, the terrorists killed Desko Cerim (born in 1955) from the village of Klincina, municipality of Klina, while he was working in his field, because he had voted in the referendum in Serbia, including Kosovo and Metohija, the previous day.

In the terrorist attack on the Salja family in the village of Senik, municipality of Malisevo, on the night of 14/15 August 1998, pregnant Veljbona Salja, mother of two children, was seriously wounded. After several hours of besieging the home of the Salja family, known as being loyal to the State of Serbia, the Albanian terrorists withdrew, and the wounded Veljbona was given medical help at the Surgical Hospital of the Clinical-Hospital Centre Pristina, where she was operated on and where she recovered. However, due to mental stress and as a result of haemorrhage Veljbona, who was eight months pregnant, lost her baby.

The Albanians of the Roman-Catholic faith were also targeted by the Albanian terrorist groups. Thus, on 19 May 1998, at about 8.00 p.m., after barging into a shop in the village of Smac, municipality of Djakovica, the Albanian terrorists mistreated eight Catholic Albanians, telling them: "What are you doing here? While you, Catholics, are drinking and enjoying yourselves, we are fighting for you". After that, they robbed them and shot dead Necat Pnisi, a Catholic Albanian, by an automatic rifle. On 17 July 1998, they killed Mark Gasi (born in 1927) from the village of Dobri Do, municipality of Orahovac, whose body was dumped on the Kosovska Mitrovica-Srbica main road; on 6 August 1998, Prek Merturi (born in 1933), Mira Merturi (born in 1934), Prek Krasnici (born in 1932) and Prenda Krasnici (born in 1935), were all killed by automatic weapons; they were all from the village of Meca, municipality of Djakovica, where their bodies were found.

Albanian terrorist groups also made attacks on the Turkish ethnic community, on Roma and Muslims. Thus, in the village of Mamusa, municipality of

Prizren, inhabited solely by members of the Turkish national minority, the Albanian terrorists attacked the villagers on 5 June 1998; on 10 April 1998, on the Stimlje-Suva Reka road they ambushed and opened fire with automatic weapons at three Goranies who were being transported in a passenger car with Prizren registration plates; one of the Goranies was seriously wounded in the incident. On 14 May 1998, the Albanian terrorists kidnapped Muhamed Sope (born in 1959), a Roma, who was in front of his house. After mistreating him, they killed him and left his massacred body by the Stimlje-Suva Reka road, near the village of Dulje; on 18 May 1998, the Albanian terrorists killed Naim Krasnici (born in 1953), also a Roma, registrar in the village of Crni Lug, municipality of Klina; the murder took place before the eyes of his fellow villagers.

The Albanian terrorists attacked and shelled on a daily basis the refugee settlement of Babaloc, in the vicinity of Decani. In the courtyard of the Historical Archives building in Podujevo, in which refugees Slavoljub Tomic and Bogoljub Biocanin were accommodated, two hand grenades were activated on 19 February 1998. Several refugees who were under UN protection were murdered or kidnapped. Thus, on 4 July 1998, on the road to Prizren, the Albanian terrorists kidnapped Svetomir Bisevac, a refugee who resided in the village of Ostradje, municipality of Leposavic, and killed him later on. His body was found alongside the Orahovac-Malisevo road on 7 July 1998. Still unknown is also the fate of Djuro Latas (born in 1949), also from the Republic of Croatia, residing in the village of Lesak, municipality of Kosovska Mitrovica, kidnapped at the same time when Svetomir Biseva was abducted.

The Albanian terrorist groups also made armed attacks and shelled schools and hostels for secondary and elementary school children (elementary school building in Stimlje, on 12 January 1998, Secondary School Centre in Srbica, on 19 and 27 April 1998, Home of Secondary School Pupils in Prizren on 22 May 1998, "Kosta Vujinovic" elementary school in Podujevo on 25 September 1998, etc.).

Seven attacks were made by the Albanian terrorists against health workers and medical facilities until mid-November 1998 (medical centres in Decani,

Kosovska Mitrovica, Srbica and Orahovac; medical team of the Ministry of Health of the Republic of Serbia in the village of Smonica, municipality of Djakovica, vehicle of the medical centre in Klina and a private specialist surgery "Intern" owned by Semsedin Sadiku from the village of Gornja Budriga, municipality of Vitina). Characteristic is the case of the attack by the Albanian terrorists against the medical centre in Orahovac, when, along with the medical staff kidnapped and taken to an unknown destination were also a considerable number of patients, among them pregnant women and children. The Albanian terrorists attacked the ambulance belonging to the medical centre in Klina (on 25 August 1998) on the Grabanica-Zajmovo road, municipality of Klina, transporting the female patient Rahime Morina to the hospital in Pec for dialysis. The ambulance was hit with several bullets and the physician from the medical centre in Klina, Pren Rapi, driver Mark Dedaj and attendant on the patient, Imer Morina were wounded.

The terrorist groups of Albanian separatists also made attacks on religious establishments and places of historical interest. The Orthodox convent for nuns in Devic, municipality of Srbica, was attacked at the beginning of February 1999, and looted and demolished on that occasion, as well as the monastery of "St. Cosma and St. Damjan" in the village of Zociste, which was shelled by the Albanian terrorists. Furthermore, seven monks and a nun, as well as 27 elderly Serbs and Montenegrins from this village, who found refuge in it fleeing from the Albanian terrorists, were kidnapped. During the terrorist attack on Opteruse, a village near Orahovac, the Albanian terrorist groups ransacked the local Orthodox church.

In the period from 1 January to 12 November 1998, in the territory of the AP of Kosovo and Metohija, the Albanian terrorists made 13 attacks on journalists and interpreters. In these attacks five persons were kidnapped - three RTS-Radio Pristina journalists and one driver, all of them of Serbian nationality and one member of the Albanian national minority (translator), whose fate is uncertain. In four cases, the Albanian terrorists made attacks on vehicles and personnel of humanitarian organizations: a convoy of seven vehicles of the "ECO" humanitarian organization in the village of Makrmalj, municipality of Srbica (on 26 March); two Red Cross vehicles carrying humanitarian relief supplies in the village of Prilep,

municipality of Decani (on 1 July 1998), and also Marleen Graven from the Netherlands, a member of the humanitarian organization "Medecins sans Frontieres", in the village of Lodja, municipality of Pec (on 23 July 1998); on 30 September 1998, on the Gornje Obrinje-Likovac road, an ICRC vehicle driven by Margaret Brison (born in 1952) from New Zealand, ran over a landmine planted by Albanian terrorists. Spetim Robaj (born 1957) from Pristina, a physician hired by ICRC, was killed in the explosion. Margaret Brison, Ilir Tolaj (born in 1961) from Djakovica and Linda Bunjaku (born in 1963) from Pristina, members of an ICRC team, sustained light injuries.

In the same period, four terrorist attacks against foreign diplomatic representatives were registered in the area of the AP of Kosovo and Metohija: on 27 April 1998, the Attache of the Embassy of Japan to the FR of Yugoslavia, Ms Takako Ugaje, whose vehicle with diplomatic registration plates was hit with two projectiles fired from automatic weapons as she drove along the Srbica-Klina road, near the village of Lausa; on 3 September 1998, members of US and Russia KDOM, near the village of Pagarusa, on the Malisevo-Orahovac road; on 14 September 1998, members of Canadian KDOM, on which occasion one of the members team sustained light injuries. On 26 August 1998, unknown persons threw a petrol bomb at the American Information Centre building in Pristina, causing small fire; no one was injured.

In addition to murders, rapes, physical ill-treatment, burning of houses and destruction of private property, the Albanian separatists resorted to the destruction of transformer stations and water supply plants and to putting out of order PTT equipment and lines, so as to leave the population without water and electricity, thus increasing their fear, insecurity and making them leave the area temporarily or for good (Pec, Decani, Djakovica, Orahovac, Istok, etc.). The Albanian terrorists also attempted to take away or destroy the vital plants from the large economic systems and enterprises ("Belacevac" open-cast coal mine, joint stock company "Trepca" in Stari Trg, "Orvin" in Orahovac, etc.), in order to render them inoperable for some considerable time. Furthermore, they took away excavators and other construction machinery for the purpose of digging ditches and making other fortifications for their actions. The material damage done so far is estimated at several million US dollars.

The Albanian terrorists repeatedly abused Muslim religious establishments, using them as sniper and machine-gun emplacements, from where they fired at vehicles, civilians, police and military convoys. Thus, the Albanian terrorists killed the policemen Zivorad Lukic (born in 1965) and Branko Karavelic (born in 1967), and seriously wounded Dalibor Bogicevic (born in 1973), by opening fire with automatic weapons from the mosque in the village of Hamidije, municipality of Obilic. A number of policemen engaged in the maintenance of the Pec-Decani-Djakovica communication line were killed or wounded by sniper fire from the mosque in the centre of Junik.

On the basis of the quantities of weapons and ammunition seized so far, in particular on the border with the Republic of Albania, it has been found out that the Albanian terrorists mainly use weapons originating from the Albanian Army dumps. However, they are also equipped with modern Western-European weapons and equipment, from Swiss-made Sieg-Sauer 7.62 mm cal. snipers with bursting ammunition prohibited under the relevant international conventions, German-made SSG 99 snipers, USA-made M-16 automatic rifles to 64 mm cal. mortars, portable rocket-launchers, 12.7 mm cal. Browning cannon, etc. Among the seized weapons there are those belonging to the last generation of weapons from NATO, such as German-made anti-tank Ambrust rockets, British-made mine explorers, American large calibre sniper rifles, etc.

It has also been established that the Albanian terrorists use medical supplies coming from NATO warehouses. In makeshift hospitals used by the terrorists a certain quantity of medicines and medical supplies brought by various international humanitarian organizations were found. Thus, in the village of Krusevac, municipality of Pec, in addition to a large quantity of medicines and medical supplies, a Roentgen apparatus, a surgical table and complete surgical equipment valued at about DM 500,000 were found.

The Albanian terrorists have spent large sums of money originating from illegal drug-trafficking in a number of Western-European countries and the USA for the purchase of weapons and equipment used for sabotage-terrorist actions. The Albanian narco-mafia has a very developed network of drug dealers, who are mainly Kosovo and Metohija Albanians. This fact is also evidenced by Interpol data

indicating that, in the first eight months of 1998, 84 Yugoslav citizens were arrested on account of drug trafficking and drug dealing, 81 of them Albanians from Kosovo and Metohija. Also, 120 kg and 658 g of heroin, 8 kg and 834 g of cocaine, 3,100 kg of hashish and 2 kg of cannabis were confiscated from them.

For the purpose of arms purchase the Foundation "Homeland Calls" was established in Switzerland, with numerous branch offices in Western-European countries and the USA, and the "Dardanija Bank" was founded in Tirana. Illegal taxes imposed on Albanians living abroad amounting to 3 per cent of their monthly wages, as well as voluntary contributions, the minimum amount being DM or Sfr 1,000 annually, are collected by these foundations.

In addition to arms purchases, a portion of the proceedings of drug-dealing is used by Kosmet Albanians to buy properties, primarily from the Serbians, under various forms of pressure, with a view to creating or expanding the ethnically cleansed area.

Terrorism in Kosovo and Metohija is in the function of separatism and the long-lasting aspiration towards creating the ethnically pure so-called Greater Albania, and not a reaction to alleged repression by the authorities of the Republic of Serbia. At the same time, terrorism is a response of the Albanian separatists to the dialogue offered by Serbia to resolve all issues peacefully and by political means and ensure the protection of national minorities in accordance with the highest international standards.

The Republic of Albania admitted that logistic support to the Albanian terrorists in Kosovo and Metohija is provided from its territory. Terrorists are recruited, organized, armed and trained in camps and bases in northern Albania (Bajram Curri, Tropoje, Krum, Kukes and Peskopeja). One of the main headquarters of terrorists is based in Bajram Curri in Albania and is comprised of former JNA officers and foreign mercenaries.

A large number of members of Islamic and other international terrorist organizations are based in Albania, part of whom joined the terrorist units in Kosovo and Metohija. A mixed unit consisting of Mujaheddin was active in the area

of Drenica, under the name of Abu Bekir Sadik, as well as a small group in the area of Smonica; a certain number of members of the latter were arrested and the rest escaped to Albania. The terrorist organization, so-called KLA in Kosovo and Metohija, has established links with radical Islamic countries, from which it also receives funds for the purchase of weapons and military equipment. Centres for the procurement and organization of transport of weapons intended for terrorists have also been set up in the territory of BiH (the Muslim part of the Federation). These centres purchase modern weapons which are transported to the Republic of Albania, by and large by ships, and then illegally transported to Kosovo and Metohija.

The Albanian terrorists in Kosovo and Metohija often resorted to the abuse of children for political purposes, thus violating the provisions of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and ratified by our country in December 1990. At the beginning of June 1998, the Albanian separatists organized the so-called "children's demonstrations" in Pristina. On their orders, children carried various placards and chanted slogans inciting to hatred, intolerance and terrorism. This was not the first and only case of abuse of Albanian children for political purposes. The same pattern was applied in the eighties and nineties when the Albanian separatists used children in demonstrations as "human shields" in front of themselves, farcically abusing them in the so-called one-nation "poisoning", when they stage-managed the case of mass poisoning of exclusively Albanian pupils, while the Serbian pupils were not "poisoned" at all, to the general consternation of the international public. The Albanian separatists bear the greatest responsibility because they deprived the children of the Albanian national minority in Kosovo and Metohija of their right to education, which is contrary to the above-mentioned Convention on the Rights of the Child. It is also characteristic of Albanian separatists and terrorists that, during the course of the ten months of 1998, they abused children several times for illegally carrying weapons across the State border with the Republic of Albania and for reconnaissance of the area near the border with a view to gathering information of security interest, neglecting the fact that the children's lives could be endangered.

Also disturbing is the fact that not even the specialized bodies, such as the Committee on the Rights of the Child (CRC) or the Committee on the Elimination of Racial Discrimination (CERD), which are directly concerned with these cases, have not denounced this practice. The FRY drew the attention of the UN to this matter on a number of occasions and television pictures were accessible to a much larger international audience. Neither did the Committee on Women's Rights or other governmental or non-governmental bodies raise their voice against the rape of Serbian women in Kosovo and Metohija mentioned earlier in the comments.

2. Even after the agreement reached on 13 October 1998 between the President of the FR of Yugoslavia, Slobodan Milosevic and the US Special Envoy, Ambassador Richard Holbrooke, the Albanian terrorists continued with their terrorist actions and attacks, in particular against police and police targets.

In the period from 13 October to 15 November 1998, the Albanian terrorists carried out a total of 238 terrorist actions and provocations, which is above the daily average of attacks carried out in the period preceding it in 1998. 176 terrorist attacks were made on the establishments and members of MUP (Ministry of the Interior) of the Republic of Serbia, in which 7 policemen were killed, 12 were seriously wounded and 10 sustained light injuries. The terrorist attacks were made mostly against policemen who were on duty manning the security checkpoints or who were engaged in securing the main roads, checking motorists or discharging other regular duties and tasks. On 9 November 1998, in the vicinity of the police checkpoint in Malisevo, the bodies were found of two killed policemen from the Secretariat of the Interior in Pristina, that of the driver Ilija Vujosevic (born in 1950) and of the reserve policeman Dejan Djatlov (born in 1975), who were kidnapped by the Albanian terrorists near the village of Dubrava, municipality of Orahovac, on 6 November 1998, at about 12.30 p.m.

Only a few days after the Milosevic-Holbrooke agreement was reached, the Albanian terrorists made an attack on police, using portable rocket-launchers in the village of Orlate, municipality of Glogovac. They also activated hand grenades and opened fire with automatic weapons, killing three and seriously wounding two policemen (on 17 October 1998). On 6 November 1998, on the Suva Reka-

Orahovac road, in the vicinity of the village of Opterusa, armed Albanian terrorists in camouflage uniforms, wearing the insignia of the "KLA" and driving in cars with Prizren and Swiss registration plates[2], attacked a police patrol which performed its normal duties of guarding communications. Police officers used firearms in order to repel the attack, killing five terrorists. Two portable mortars, six automatic guns, 13 handgrenades, a larger quantity of ammunition and a pair of handcuffs were discovered in the terrorists' vehicles.

Also, 62 **terrorist attacks and provocations against civilians** were carried out. The majority of terrorist attacks (35) were launched against Serbs (in Podujevo 9; in Urosevac, Vucitrn, Klina, Kosovska Mitrovica, Leposavic, Stimplje, Lipljan, Prizren, Srbica and Kosovo Polje 2 each; in Zubin Potok, Djakovica, Pristina, Obilic, Decani and Suva Reka one each).

Albanian terrorists **in fourteen cases unleashed attacks against Serb and Montenegrin villages**. The following villages came under attack: Crepulja and Dren, in the municipality of Zubin Potok (on 13 October); Bites, in the municipality of Djakovica (on 14 October); Svinjare, Kosovska Mitrovica municipality (on 19 October); Jezerce, Urosevac municipality (on 28 October on three separate occasions); Petrasica, Stimlje municipality (on 28 October); Gornje Nerodimlje, Urosevac municipality (on 29 October); Drenovac, Klina municipality (on 3 November); Priluzje, Vucitrn municipality (on 4 November); Samodreza, Vucitrn municipality (on 11 November); and Babaloc, Decani municipality (on 12 November). On 22 October, Albanian terrorists attacked the village of Tusos, Prizren municipality, which is mostly inhabited by Muslims and ethnic Albanians. The villagers all fled to Prizren in fear for their lives. Despite a significant international presence ensuring monitoring of the situation on the ground, as a rule, no names were named when the actions taken by Albanian terrorists during the course of 1998 were to blame for internally displaced persons. The largest number of attacks

---

[2] In a convoy of vehicles including those driven by terrorists, a diplomatic vehicle with registration plates 60-A-89 was noticed at the back of the convoy. Once the attack was over, that vehicle drove away from the scene in the direction of Suva Reka. It was subsequently established that the vehicle belonged to the American Embassy in Belgrade and that the Third Secretary of the Embassy was in it.

were by automatic weapons and in some cases the attacks lasted for three days with shorter respites (in Donja Lapastica, Podujevo municipality, from 24 to 27 October 1998).

In three instances, the terrorists attacked Serb employees of the "Belacevac" open-cast mine in the village of Gornji Grabovac, Kosovo municipality. The first attack occurred on 13 October, in which two employees transported in an official vehicle sustained light injuries; the second one was on 16 October, in which one employee sustained serious wounds; and the third one occurred on 3 November, in which one person sustained severe and two other persons light injuries in two company four-wheel power drive vehicles.

In 25 cases **the target of attack were members of the Albanian ethnic community** (in Decani 5; in Podujevo 4; in Glogovac and Djakovica 3 each; in Stimlje, Suva Reka and Orahovac 2 each; in Pristina, Lipljan, Klina and Kosovo Polje 1 each), and **in one instance each,** one **Roma and one Muslim**. The attacks against civilian targets left **three persons dead** (one ethnic Albanian and one Muslim) and **six persons sustained either severe injuries** (four ethnic Albanians and two Serbs) **or light injuries** (four Serbs and one ethnic Albanian and one Muslim).

During this period, Albanian terrorists **abducted a total of nine persons** (six Serbs and one Albanian, one Roma and one Muslim each). The fate of four Serbs and one Muslim is yet not known, whereas two Serbs, one ethnic Albanian and one Roma were released. On 18 October, Tanjug news agency journalists Vladimir Dobricic and Nebojsa Radosevic were abducted on the Pristina to Magura road in the municipality of Lipljan. They were subsequently released. On 22 October, a farmer, Ranko Radosavljevic from the village of Socanica, Leposavic municipality, was also abducted, and Milena Milanovic of the same village was abducted on 26 October. On 9 November, Bojan Pavlovic and Zlatko Ivanovic from Josanica village, Leposavic municipality, were abducted as they travelled in their truck to Srbica. They were released by their captors on 12 November. On 27 October, Marjan Rasi from the village of Spenadija, Prizren municipality, was abducted from his car in the village of Grejkovci in the municipality of Suva Reka. He was released on 1 November. On 6 November, uniformed terrorists carrying automatic guns stopped Ragip Krasnici, a Roma from Klinavac village and his

underage son in the village of Krnice, Klina municipality. They bundled him at gunpoint into a Volkswagen Golf and took him to Turicevo village. From there he was taken blindfolded to another village unknown to him, where he was "interrogated" and beaten with a nightstick. He was inflicted visible injuries all over his body. Ragip Krasnici was set free on 7 November. On 13 November, the disappearance of Idriz Svrac from Belo Polje, Podujevo municipality, was reported to police. He left the village of Luzane for Podujevo in his car, on 2 November, and no one has seen or heard from him since.

In 27 cases uniformed and armed gangs of Albanian terrorists **stopped on the roads and checked** vehicles and passengers, **including 16 Serbs**[3]. In eight instances citizens belonging to the Albanian ethnic community were those stopped.[4] In one instance one person belonging to the Roma ethnic community was intercepted and stopped in the village of Krnice, Klina municipality. In all of these cases five Serbs, two ethnic Albanians and one Roma and one Muslim each were taken hostage. An ethnic Albanian, Sefedin Zlonoga from Orahovac, was beaten up in Ploce village on 3 November. The terrorists took away money and vehicles from those intercepted by them.

In addition to attacks against police and civilian targets, during this period terrorists, **in five instances**, launched attacks against **the Yugoslav Army (VJ) from inside the territory of the Republic of Albania** and deep across the territory of

---

[3]In the village of Donja Lapastica, Podujevo municipality (five times); on the pristina to Magura road, Lipljan municipality; near the village of Socanica, Leposavic municipality; on the road between the village of Josanica, Leposavic municipality, and Srbica; in the village of Vaganica, Kosovska Mitrovica municipality; in the village of Pantina, Vucitrn municipality; in the village of Pecane, Suva Reka municipality; in the village of Glavnik, Sakovica, Tresnja and Velika Reka, Podujevo municipality.

[4]In the village of Grejkovci, Suva Reka municipality; in the village of Davidovce, Stimlje municipality; in Gornja Lapastica, Podujevo municipality; in the village of Gladno, Glogovac municipality; in the villages of Mamule and Glodjane, Djakovica municipality; and in the village of Prekoluka, Decani municipality.

the FRY. In the attack carried out on 22 October in the village of Careva Cesma, Glogovac municipality, one soldier was killed and one sustained serious injuries, while the attack of 13 November in the village of Dulje left one soldier dead, three seriously wounded and three slightly wounded.

As a result of the stabilization of the security situation in the region of the Autonomous Province of Kosovo and Metohija following the driving of terrorists from most of the villages which they used to terrorize because their fellow ethnic Albanians refused to join them, conditions were created for the return of internally displaced ethnic Albanians to their homes. Dozens of thousands of IDPs have heeded the call of the Government of the Republic of Serbia and went back to their homes. A "humanitarian disaster" courted by the Albanian separatists and gangs of terrorists was thus avoided.

Document A/53/322 of 11 September 1998

C. Observations and recommendations

1. Kosovo and Metohija

Paragraphs 84 and 85 relating to anti-terrorist police actions in the regions of Drenica, Ljubenic, Poklek and Orahovac

The reply submitted by the Government of the Federal Republic of Yugoslavia regarding the first report made by Special Rapporteur Jiri Dienstbier after his visit to the region in April 1998, stressed that Albanian separatists' terrorism in Kosovo and Metohija, aided by the Republic of Albania and by the extremist quarters abroad, is the root-cause of the escalation of violence against Serbs and Montenegrins, against Ministry of the Interior (MUP) personnel and ethnic Albanians. Therefore, it is unacceptable and wrong to view in a negative light and to make a cause-and-effect link between any police action, especially the anti-terrorist action in Drenica, and the activity of Albanian terrorists in and around Kosovo and Metohija. The Republic of Serbia has not in any way provoked the

Albanian separatists' terrorism in Kosovo and Metohija, nor can one put on a par the terrorist actions taken by the so-called KLA and the legal and legitimate police actions to suppress them.

Regarding anti-terrorist actions in Ljubenic, Poklek and Orahovac, it is false to maintain that police "arbitrarily" killed people in these villages. In this respect, the following facts have been established:

1. Ljubenic

On 25 May 1998, around 7.00 a.m., a Volkswagen Golf car, bearing Plevlja Registration, driven by Slobodan Vukovic, electrical company employee in Decani, was attacked by terrorists with portable grenade launchers and automatic weapons. Besides Vukovic, the car also transported Dimitrije Radovic and Momcilo Antic, both reserve policemen, as well as Dalibor Stalevic, officer of Decani police. Momcilo Antic received serious wounds and Dimitrije Radovic and Slobodan Vukovic light wounds in this attack.

At 1.20 p.m. the same day, the police officers on duty in their official vehicles came under attack from terrorists in the area of Ljubenic village. They attacked the police from the direction of Gornji Streoc village, in the Decani municipality, with mortars, portable grenade launchers, machineguns, automatic guns and snipers. The attack was launched from nearby houses. The police were ambushed on both sides of the road taking them from Pec to Decani. A sniper hit and seriously wounded deputy commander of the police station in Pec Dragoljub Djukic, who later died of the wounds he received in this attack.

2. Poklek

On 31 May 1998, around 1.00 p.m., terrorists fired at the police car transporting deputy commander of the police station in Glogovac Nebojsa Trajkovic, along the Glogovac to Komorane road in the village of Poklek, Glogovac municipality. They used automatic weapons which caused the vehicle to swerve off the road. However, deputy commander Trajkovic managed to call for help. A police

back-up soon arrived at the scene. The only casualty of this attack was Tomislav Fatic (born in 1973), a police officer from Pec with the Glogovac Police, Pristina Police Department. Investigations were carried out on site and charges were brought against a group of unknown terrorists with the relevant public prosecutor's office for the criminal offence of terrorism under Article 125 of the Penal Code of the FRY.

Consequently, on 25 and 31 May, MUP personnel did not enter these villages nor did they clash with terrorists or were in contact with any other persons of the Albanian ethnic communities living in these villages. Therefore, no abuses by police could have taken place, as noted by Serbian MUP in its fact-finding procedures.

3. Orahovac

On 17 November, between 7.15 p.m. and 11.00 p.m., small arms fire was opened on police and residents of Orahovac. Gangs of Albanian terrorists set up a number of roadblocks in the town, in particular in its suburbs inhabited by Serbs. During the attack, terrorists first captured the building housing a medical centre, from where they took all the equipment, and then they seized the offices of the public company "Elektroistok". They cut off the supply of electricity and abducted several Serbs, whom they took in the direction of Malisevo and Drenovac. The same day, they also abducted Srdjan Vitosevic from Vitosevac village and Djordje Baljosevic and Dusko Dolasevic, both with the MUP Fire Department. The police firemen were on an assignment involving the company "Termovent" in the Brnjaca suburb. During their attack on Orahovac, the terrorists shot dead five Serbs, namely Aleksandar Majmarevic, Boro Simic, Vekoslav Tadic and Jagos Fildjokic, all from Orahovac and Andjelko Kostic from Retimlje village, Orahovac municipality. They seriously wounded two Serbs, namely Miroslav Mihajlovic from Velika Hoca village and Mateja Radovanovic from Orahovac. They also raped Dragica Bozanic, a Serb from Opterusa village, Orahovac municipality.

Once this terrorist attack was over, MUP took action to unblock the communications leading in and out of Orahovac and the surrounding villages, as

well as to clear the town itself of the terrorist gangs which had entered it. There was no ill-treatment or abuse by police during the operation to crack down on terrorists. All the measures and actions taken were in accordance with the law.

The above facts prove beyond any doubt that the victims of the Albanian terrorist attack on Orahovac were Serb civilians, who were shot and killed, wounded, took hostage or otherwise abused. Therefore, the alleged "arbitrary killings" by police in Orahovac, Ljubenic and Poklek are sheer fabrications and patent lies in the same way as the malicious and calculated allegations about anti-terrorist actions by police in Drenica in February and March 1998. The Serbian Ministry of the Interior adequately responded to them (as annexed to the comments on the first report by Special Rapporteur Jiri Dienstbier).

Paragraph 85 of the report says that subsequent testimonies gathered by OHCHR staff suggest that "government forces have used excessive force, including deliberate destruction of property, leading to extensive civilian casualties". The following facts point to the untenability of the thesis about "excessive force":

During the police operation, MUP **selected its targets and hit only those targets out of which the Albanian terrorists attacked.** In so doing, police made sure that civilians were fully protected, and **in cases when the Albanian terrorists used women and children as "human shields", Serbian MUP showed restraint.** This fact was not so infrequently abused by Albanian terrorists to attack out of their emplacements and loopholes for rifle fire surrounding their homes and whole villages, and by using all their firepower. On top of it, police were fired upon by grenade launchers and portable grenade launchers, by mortars, recoilless guns, heavy machineguns and other sophisticated weapons.

Short of physical evidence or facts, the leaders of Albanian political parties in Kosovo and Metohija and their sponsors in the country and abroad, often use the expression "excessive force" in referring to police action, in the exercise of their powers, against the ethnic Albanian community and the Albanian terrorists calling themselves the "Kosovo Liberation Army", which is untrue and hypocritical. Police use as much force as is necessary to repel the attacks by Albanian terrorists and no more and no less.

Paragraph 86. Abductions of civilians

Paragraph 86 of the main report and paragraph 35 of the Addendum of 30 October 1998 state that the Special Rapporteur has been alarmed by reports of Serb and Albanian civilians, as well as Serbian police officers, abducted by armed Kosovo Albanians, and he denounces these abductions as grave violations of basic principles of international human rights and humanitarian law. At the same time, the Special Rapporteur denounces alleged enforced disappearances attributed to state security forces without giving any specific examples.

In this respect, the following facts should be noted:

Abductions of Serbs and Montenegrins, as well as of ethnic Albanians, are one of the methods very frequently resorted to by Albanian terrorists, with abductees being subjected to most brutal torture. In the period from **1 January through 15 November 1998**, Albanian terrorists abducted 265 civilians in Kosovo and Metohija. Of these persons 170 are Serbs and Montenegrins, 81 Albanians, 11 Roma, one a citizen of FYR Macedonia, one is Muslim and one a person of Bulgarian origin. Among the abductees there are 50 women and 14 underage persons, including six children. Out of the total number of persons held hostage, 30 were shot and killed, 99 of them were released, 9 escaped and the fate of 127 civilians (92 Serbs and Montenegrins, 28 Albanians, 5 Roma, one Muslim and one ethnic Bulgarian each) is not yet known. However, the number of civilians killed should be added to the number of bodies of Serb civilians discovered in the mass graves in the villages of Klecka, Lipljan municipality, and Glodjane and Volujak.

The civilians abducted by Albanian terrorists have been brutalized and subjected to the most brutal methods of torture. Women were raped. The mutilated and maimed bodies of those abducted by terrorists and found alongside roads bear witness to this, as well as testimonies of persons who managed to escape their captors or were released by them.

In the aforementioned period, Albanian terrorists abducted 13 police officers. Two of them were released, three were killed, while 8 of the abducted

police officers are still unaccounted-for. Albanian terrorists have brutally and savagely murdered police Capt. Srdjan Perovic, who was abducted on 6 July during the unblocking of Serbs and Montengrins, being besieged by Albanian terrorists in the Brezanik suburb near Pec. His body was found on 16 August in the village of Lodja, Pec municipality. A post mortem carried out on the body revealed that Perovic was first tortured: they broke all his ribs, cut off his ear lobes and the nose; they cut out his left eye; they broke his left-hand side collar bone and cut out his shoulder blade; they inflicted a great many cuts and stab wounds across the calves of both of his legs; they crushed his skull, and finally slit his throat.

What causes grave and justified concern is the fact that the fate of 127 abducted persons is still unknown and that the remnants of the broken gangs of terrorists continue to abduct civilians and police officers, despite the agreement reached between the President of the Federal Republic of Yugoslavia and the international community.

The allegations contained in paragraph 86 of the Report, concerning enforced disappearances that are attributed to "state security forces", have not been brought to the attention of the competent authorities. This has also been pointed out in the reply to the Special Rapporteur's first report which, inter alia, says that once a person has been reported missing, the Ministry of the Interior is obliged, in accordance with its statutorily defined responsibility, to take all necessary steps to trace him or her.

Paragraph 87 relating to alleged torture and death of Redzep Bisljimi

On the Redzep Bisljimi case, the relevant authorities have established as follows:

Redzep Bisljimi, born in 1966, from Urosevac, was convicted of the criminal offence of hostile propaganda under Article 133 of the Penal Code of the FRY. Ever since then, he has been in flight. He has committed three terrorists attacks against police in Urosevac municipality. On 2 July 1998, the police of Gnjilane brought charges against him to the District Public Prosecutor's Office in

Pristina for the criminal offence of conspiracy for enemy activity under Article 136 of the FRY Penal Code, in conjunction with the criminal act of terrorism under Article 125 of the Code. Previously, the following charges were brought against him for the same criminal offences: KU 647/97 of 17 September 1997 (a terrorist attack on 17 September 1997 against a police checkpoint near the village of Grlice, Urosevac municipality); KU 43/98 (throwing an explosive into the home of an officer of Urosevac Police on 27 January 1998); and KU 252/98 of 23 April 1998 (throwing an explosive device at the family home of police officer Marjan Milenkovic on 22 April 1998). On 14 July 1998, Redzep Bisljimi was taken to the pre-trial detention prison in Gnjilane and on to the penal-correctional institution in Lipljan. From there he was hospitalized in Pristina because of some health problems (blood clot). He died in hospital on 10 August 1998. There is relevant medical documentation on the death of Redzep Bisljimi.

It is not true that Redzep Bisljimi had been subjected to any measures of torture or coercion by police, nor is it true that he died in police custody.

2. Arrest and detention standards

Paragraph 88 relating to the concern of the Special Rapporteur at consistent disregard by police of international standards as well as domestic law

The assertion that the police are arbitrarily holding detainees in custody and that it is common practice to hold them in detention for periods longer than is necessary, is untrue and ill-intentioned. Also, the assertion that beatings and ill-treatment in pre-trial detention are routine throughout Serbia is absolutely groundless and unsubstantiated. The same is true of the allegations that the injuries sustained by detainees during police interrogations are not reported by official physicians, and that medical treatment is not provided to them. None of these allegations are corroborated by any physical evidence or facts.

The police act within their official powers and observe the laws. The Government of the Federal Republic of Yugoslavia informs the Committee against

Torture, within its procedure provided for individual appeals as well, on any possible deviation in regard to such position and behaviour, including claims by independent sources on alleged ill-treatment in detention. In the course of this year, another such report will be transmitted to the Committee against Torture.

Paragraph 89 relating to the bringing in of attorney Destan Rukici to the police station for questioning

The assertion contained in the Report of the Special Rapporteur that the arrest of Destan Rukici in Pristina is a particular example of arbitrary process by police and judicial officials, coupled with the denial by the investigating judge of review of court files relating to a client. These allegations, as contained in the Report, are incorrect, and the true facts are as follows:

On 23 July 1998, at about 10.15 a.m., defence attorney Destan Rakici (born in 1947) entered the office of the investigating judge Danica Marinkovic without a previous appointment and, the investigating judge, after allowing him to check the files, denied him permission to copy word for word the statement made by his client Cen Dugoli, chief of "DSK" in Urosevac, charged with a criminal act, the attorney began to insult her verbally : "You should put on a police uniform and go to work for police", thus committing a violation of Art. 6, para 3 of the Law on Public Peace and Order of the Republic of Serbia. The members of police intervened on request; they brought Destan Rukici to the premises of the Secretariat of the Interior in Pristina and then referred him to the magistrate, who sentenced him to 60 days in prison. Pursuant to Art. 305, para 1, subpara 2 in conjunction with para 2 of the Law on Misdemeanours, Destan Rukici was sent prison to serve his term.

The members of police did not take any measures of coercion against Destan Rukici nor did they ill-treat him in any way.

In the Addendum to the Report (A/53/322/Add.1), in the chapter entitled " F. Update on cases noted by the Special Rapporteur", it is stated that attorney Destan Rukici was transferred to the prison hospital in Belgrade where he stayed until 23 August 1998 when he was released by a decision of the Supreme

Court of Serbia, overturning his previous sentence on procedural grounds. The Special Rapporteur spoke with the administrator of the Belgrade prison hospital and with Rukici himself; both confirmed that Destan Rukici was provided adequate medical treatment.

Paragraph 90 relating to the alleged "informative talk" with Vojka Kukolj from Belgrade

The assertions contained in the Report that the police brought in Vojka Kukolj from Belgrade and that an informative talk was held with her in June 1998, are not correct. It it true that, at the request of the Fourth Municipal Court in Belgrade, the members of the Ministry of the Interior extended assistance to the sheriff and enabled him to enter the flat, as well as the plumbers to connect the installations to the water supply. In the Addendum to the Report, in chapter entitled "F. Update on cases noted by the Special Rapporteur", it is noted that Vojka Kukolj managed to obtain a long-standing court decision in her favour.

3. Freedom of assembly

Paragraph 91 relating to the use of excessive force against student protests in Belgrade and the Albanian demonstrators in Kosovo and Metohija

In the course of March 1998, unregistered demonstrations of ethnic Albanians were held in larger towns in the AP of Kosovo and Metohija, in support of terrorist actions of the Albanian terrorists. At the same time, for the same reasons, Albanian women gathered in front of the US Information Service Centre in Pristina. During these demonstrations, public peace and order in individual towns were disturbed; the demonstrators threw stones and various objects in order to provoke the police to react. In the demonstrations of March 1998, police brought in 18 demonstrators but they were released immediately after informative talks.

Regarding the gathering of citizens in Belgrade on 26 May and 2 June 1998, the facts are as follows:

On 26 May 1998, at about 10.30 a.m., an unreported public gathering took place in front of the National Assembly building in Kralja Milana Street in Belgrade while the session of the National Assembly was in progress. About 250 students and other citizens participated in the protest over the adoption of the new Law on Universities. The police warned the gathered participants that, pursuant to the Law on Assembly of Citizens (Art. 2, para 4 of the Law) a public gathering may not be held in the vicinity of the Federal Assembly and the National Assembly of the Republic of Serbia buildings immediately before and during their meetings, and asked them to break up peacefully. However, the protesters staged a sit-in, blocked the traffic, and some of them began to throw at police stones, earth and other objects at hand and suitable for inflicting injury. Five policemen were hit. Despite the repeated warnings to break up, the assembled citizens failed to oblige and kept throwing various objects at police. Acting in compliance with the law, the policemen were forced to hold back the assembled citizens in order to ensure a smooth flow of traffic, and broke the unregistered gathering. To ensure the personal safety of police adequate means of enforcement were applied against the most violent protesters. Police submitted written reports on the applied means of enforcement to their immediate superiors, who found that the use of enforcement means was justified, in compliance with Art. 22 of the Law on Internal Affairs; also that these means were applied in the manner prescribed by the Regulations setting conditions and the manner in which enforcement means are used. Three persons were brought by police to the city magistrate. One of these persons was sentenced to 10 days in prison, another was fined, and the third was acquitted.

On 2 June 1998, between 2.30 p.m. and 4.00 p.m., 150-200 university students gathered in front of the Faculty of Philosophy building. A number of speakers, mainly professors and students, addressed them using a loudspeaker, criticizing the Law on Universities. The members of police did not apply coercive means during the rally nor did they bring in any persons to the premises of the Secretariat of the Interior in Belgrade.

Consequently, inaccurate is the assertion contained in the Report of the Special Rapporteur that the police beat a group of students in downtown Belgrade,

who tried to demonstrate outside the Serbian government building on 2 June 1998. Also, it is inappropriate to equate the demonstrations of ethnic Albanians minority in Kosovo and Metohija in support of the terrorist activity of Albanian separatists, and the above-mentioned gatherings held in Belgrade. However, the fact is that in all these cases, police proceeded in the same way and in compliance with the law, regardless of the different nature of these gatherings and the number of participants involved.

4. Refugees and displaced persons

Paragraph 92 relating to refugees in Kosovo and Metohija

The statement in the Report about a possible regional humanitarian catastrophe and the information that it is impossible for a significant portion of ethnic Albanian internally displaced persons to return to their homes destroyed in fighting, are not correct and they are tendentious. The more so, since the Government of the Republic of Serbia has created all the necessary conditions for a safe return of internally displaced persons and for them to be provided necessary humanitarian relief. The overwhelming majority of these people responded positively and returned to their homes. The distribution of humanitarian relief was organized by the Government of the Republic of Serbia through 16 humanitarian aid centres. With a view to the further improvement of the humanitarian situation in Kosovo and Metohija, another 100 aid distribution centres, providing assistance to the population irrespective of their ethnicity or religion, have been set up. A humanitarian catastrophe was unlikely at any time; however, the numbers of internally displaced persons and their situations were deliberately manipulated with by the Albanian separatists and terrorists - who, in this respect, attempted to prepare and stage-manage "performances" for the world media and for the representatives of various international humanitarian organizations. That there is no "humanitarian catastrophe" in Kosovo and Metohija is also evidenced by statements of some representatives of the international community. Thus, the information about the actual number of people in need (700,000) is not correct, because it far exceeds the total number of the population living in the areas affected by terrorist activities.

Document A/53/322/Add.1 of 30 October 1998

A. Kosovo

Paragraph 31 relating to the allegations that "government forces" used heavy weapons in military operation and that they engaged in deliberate and retaliatory destruction and looting of property owned by ethnic Albanians in Kosovo and Metohija

The members of MUP (Ministry of the Interior) of the Republic of Serbia conducted themselves, in the largest number of cases, professionally, responsibly and conscientiously , in compliance with their legal powers, both during and after the completion of anti-terrorist actions. However, there were sporadic - individual cases of possession and destruction of property of ethnic Albanians by policemen and citizens. Adequate legal measures were taken against them, ranging from removal from MUP to filing criminal charges for the committed criminal acts with the competent public prosecutor's office.

On the other hand, the Ministry of the Interior of the Republic of Serbia also disposes of the facts of widespread looting and burning of houses by Albanian terrorists after they withdrew from their strongholds. Following the accord reached between the President of the FR of Yugoslavia, Slobodan Milosevic and the US Special Envoy, Ambassador Richard Holbrooke, the Albanian terrorists deliberately set fire to houses in individual ethnically cleansed Albanian villages (on 17 October 1998 in the area of the municipality of Glogovac) for the purpose of media manipulation, having in mind the fact that these goings-on were filmed on camera. Individual unidentified members of observer missions and representatives of humanitarian organizations were on the spot. That this was a deliberate action is also indicated by the fact that in the majority of the villages, in particular in the area of the municipalities of Prizren, Suva Reka and Orahovac (17, 30 and 31 October 1998), fallen leaves, branches of trees, rubbish, car tyres and other inflammable materials were burned at the same time and in a synchronized way so as to create the impression that alleged arsons were involved.

The scenario of deliberate setting on fire was applied in particular when the members of the OSCE Verification Mission were travelling on the roads between these villages (for example, on 31 October 1998 through the village of Radoste, municipality of Orahovac, etc.)

The assertion to the effect that in anti-terrorist actions heavy weapons, i.e. "excessive force", were used - has been responded to in the comment on paragraph 85 of the Report.

Paragraph 32 relating to alleged different treatment and "screening" by police of displaced persons returning to their villages

The allegations that the police apply special procedures to persons belonging to the ethnic Albanian community - women, children and adult males and that the "returnees and detainees are subjected to indiscriminate beatings and ill-treatment during "screening" are totally untrue and malicious.

The fact is that the police did check up on persons returning to their villages and homes, but only on those for whom there were grounds for suspicion that they had participated in terrorist attacks against citizens and policemen and that they had committed crimes against the civilian population. There are numerous examples of the Albanian terrorists' throwing away weapons and uniforms and putting on civilian clothes so as to be able to return with impunity to the villages, along with the Albanian population which fled. The photographs and various lists and diaries found in their hideouts and strongholds, testimonies, as well as the obtained physical evidence indicate that the Albanian terrorists are involved. Consequently, the legal grounds for police conduct in these and similar situations are incontestable, as is their duty to identify terrorists by means of criminalistic procedure, and then to take them in. This is the normal procedure used nowadays by any police force in the world, and it is not clear why it should not be acceptable when the same procedure is applied by the Serbian police. Also, the taking of the so-called paraffin glove tests on the persons who fired with a firearm, immediately or on site, is the usual method used by police, enabling them to identify in the most reliable way the possible perpetrator of the criminal act or the assailant.

Paragraph 33 relating to the discovery of mass graves

As far as the mass grave site in Klecka is concerned, the Report only says that there is a probability that these are the remains of the civilians kidnapped and killed by KLA, instead of setting forth hard evidence to the effect that the remains are those of Serbs executed and burned by terrorists (witness statements by arrested terrorists who participated in the execution of these civilians).

In the action to take the area of Klecka, municipality of Lipljan, one of the strongholds of the Albanian terrorists, on 27 August 1998, the police found a makeshift prison in which the Albanian terrorists had held abducted Serbian civilians, including children. They tortured them in the most brutal way, while women were raped and maltreated. The police also found a crematorium and a limekiln in which the bodies of the kidnapped Serb civilians were burned after their execution. A mass grave was discovered quite close to the prison, in which the Albanian terrorists, after burning the bodies of the executed victims, buried larger human bones which were not completely burned. The crimes against the kidnapped Serb civilians are evidenced by the statements taken by the investigation authorities from the arrested terrorists from Orahovac, brothers Ljuan and Bekim Mazreku. They stated that during one execution alone 10 persons were murdered, including two children - one seven and the other eleven years old, and three women aged between 28 and 38. The girls aged 12 to 15 were raped in Klecka, while the boys, as well as the other kidnapped persons of Serbian nationality had their ears cut off; their eyes gouged out and their hands cut off.

On 8 September 1998, in the vicinity of the village of Glodjane, municipality of Decane, where the headquarters of the so-called KLA was based, and in the canals in and around Lake Radonjic, a new execution site was discovered, containing 34 unidentified male and female bodies. Besides, on 3 October 1998, five unidentified bodies in advanced stage of decay were found in a disused mine pit, in the village of Volujak, municipality of Klina.

Regarding the allegations in the Report of the Special Rapporteur that, on 29 September 1998, in the vicinity of the village of Gornje Obrinje, in the area of Drenica, 14 bodies of ethnic Albanians were found, including 6 female bodies, 6 bodies of children and two bodies of older men, it should be noted that this case was not reported to the competent authorities, which is why no official measures or action were taken. The same applies to the assertions in the Report that another 14 Albanians were killed in Golubovac, near Gornje Obrinje.

On 20 October 1998, a team of experts from the University of Helsinki Institute of Forensic Medicine arrived in Belgrade, following an agreement reached between the Ministries of Foreign Affairs of Finland and the FR of Yugoslavia. The findings of the forensic experts will soon be made public.

Paragraph 34

With regard to paragraph 34 of the Report making a reference to the need for independent investigations into the crimes and to the role of the International Criminal Tribunal for the Former Yugoslavia, it should be pointed out that the Tribunal has no jurisdiction in the FRY, having in mind that there is no war in Kosovo and Metohija but simply fighting by the legitimate authorities against terrorist activities. The Yugoslav authorities have made it possible for foreign forensic experts to participate in the elucidation of the crimes.

Paragraph 35 and the allegations contained in the Addendum to the Report regarding the Abductions of civilians and policemen

In the period from 1 January to 15 November 1998, the Albanian terrorists abducted a total of 265 citizens in Kosovo and Metohija (170 Serbs and Montenegrins, 81 Albanians, 11 Roma, 1 citizen of FYR Macedonia, one Muslim and one ethnic Bulgarian). Among the kidnapped persons, there are 50 women and 14 minors, including six children. Out of the total number of the abductees, 30 were killed, 99 released, 9 escaped from Albanian terrorists' captivity, while the fate of 127 civilians (92 Serbs and Montenegrins, 28 Albanians, 5 Roma, one Muslim and one ethnic Bulgarian) is still unknown. Also, out of a total of 13

kidnapped policemen, three were killed by the Albanian terrorists, two were released while the fate of 8 policemen is unknown.

Paragraph 36 and the allegations contained in the Report regarding disregard for both domestic and international standards pertaining to police and treatment of detainees

The statement of the Special Rapporteur, as contained in the Addendum to his Report, relating to alleged arbitrary detention and systematic ill-treatment, abuse and torture, including five deaths in custody, is unfounded and irresponsible. It is rejected in its entirety. It is not known which cases are involved, nor has the Special Rapporteur given more specific details about these in the Addendum. Consequently, there is no need to make any comments on this assertion. However, it should be reiterated that detention is determined in the procedure strictly prescribed by the law and only against persons suspected of having committed some criminal acts as members of terrorist groups. In case officials overstep their powers, appropriate legal measures are taken against them.

In connection with the allegations in the Report in which the Special Rapporteur expressed his regret that the Minister of Internal Affairs of the Republic of Serbia, with whom he would have liked to discuss these matters, was not available to speak with him in September 1998, the Ministry of the Interior gave the following explanation:

The meeting between the Minister of Internal Affairs of the Republic of Serbia, Vlajko Stojiljkovic and the UN Special Rapporteur on Human Rights, Jiri Dienstbier, could not have been arranged in September 1998 primarily due to the illness of Minister Stojiljkovic. Besides, the UN Special Rapporteur proposed a talk about matters which are in the exclusive competence of the Ministry of Justice, and not of the Ministry of the Interior. All other allegations in the Report, relating to the reasons for which the said meeting did not take place, are groundless and it is not correct to place them in any negative context. The Ministry of the Interior of the Republic of Serbia and the Minister himself stand ready for, and are interested in,

having talks with international representatives on all issues within their competence under the law.

Paragraph 37

This paragraph of the Report refers to the amnesty of persons against whom criminal proceedings are underway in courts in Kosovo and Metohija for having committed terrorist acts. In this context, it is noted that amnesty can only be granted under the Federal law, that is, by the decision of the Federal Parliament of the FRY.

B. Raska[5]

In the chapter relating to the so-called Sandzak, in paragraph 38 of the Addendum, the Special Rapporteur states that after his visit to Novi Pazar in September 1998, he was informed by the local human rights activists about the specific problems of this region. In this context, he states that ethnic tensions in the area are rising and that there are concerns at the revival of anti-Islamic sentiments both locally and in the national media of Serbia. These are serious and disturbing allegations although, in our judgment, they are not substantiated in any way in the Report, and the objective situation offers no grounds for concern. Also, the Report attempts to bring into a cause-effect relationship the measures of the Government of Serbia for imposing mandatory rule in Novi Pazar in July 1997 and the emigration of the Muslim population to Bosnia and Western Europe. The Special Rapporteur considers that it would constitute an important step towards rebuilding confidence if the Serbian and Yugoslav authorities investigated the atrocities that took place in the region during the war years 1992-1994. In this context, the Special Rapporteur notes that the abductions in Strpce, Mioce, Bukovica, Sjeverin and in other places have not been properly investigated.

---

[5] In many similar cases we have brought to the attention of the Special Rapporteur that there is no territorial unit in the Republic of Serbia called "Sandzak". Sandzak is an archaic and old (Turkish) word denoting a region that the sultans gave to their vojvodas to administer and it originated (and was out of use) during the Turkish occupation of Serbia.

Regarding the allegations in the Addendum to the Report that human rights are gravely violated in the area of Raska, as well as that there were several cases of kidnapping of Muslims in Strpce and Mioce, which the State organs have not properly investigated, the facts are as follows:

- By the letter of the Ministry of the Interior, No.01 1473/96-4 of 12 July 1996, the Special Rapporteur of the Commission on Human Rights, Mrs. Elizabeth Rhen, was informed of all the relevant facts, circumstances and measures taken in connection with the kidnapping of the passengers aboard a coach in the village of Mioce, municipality of Rudo, on 27 February 1993. In this respect, it was pointed out in the response that both kidnappings took place outside the State border of the FRY, i.e. in the territory of former Bosnia and Herzegovina, which is not within the jurisdiction of either the Ministry of the Interior of the Republic of Serbia or the Federal Ministry of Internal Affairs of the FR of Yugoslavia. Besides, Mrs. Rhen was informed about the measures taken by this Ministry in accordance with its competences - by bringing criminal charges against unknown perpetrators, by issuing wanted circulars on these individuals and by submitting numerous details and information to the competent authorities of the Republic of Srpska with a request that all necessary measures be taken to identify and find the perpetrators of these criminal acts, and to return the kidnapped citizens to the FR of Yugoslavia. It was stressed that it is not appropriate to bring these abductions in the context of the alleged violations of human rights in the area of Raska.

For the same reasons, the assertion indirectly implied in the Addendum to the Report that the Serbian and Yugoslav authorities have not investigated the atrocities which took place in the region between 1992 and 1994, is also untrue. In connection with the murder of three Muslims in the village of Kukurovici in 1993, the members of the Ministry of the Interior -Secretariat in Uzice, took all necessary measures aimed at identifying and finding the perpetrators of this criminal act. Criminal charges against unknown perpetrators, still being searched for, have been filed with the District Public Prosecutor's Office in Uzice. The available information indicates that the murder was committed by an armed group of persons from the Republic of Srpska. Assistance from the competent authorities of the Republic of Srpska has been requested with a view to identifying and tracing the unknown perpetrators, but the investigation by the authorities in the Republic of Srpska was

difficult to carry out at the time because of the intensity of the military operations there. In this respect, the Ministry will continue to insist that the perpetrators of these criminal acts be identified and sought out by the competent authorities.

With regard to the murder of a Muslim in Sjeverin in August 1992, the Secretariat of the Interior in Uzice identified the perpetrator, Dragan Savic from Visegrad, a member of the Republic of Srpska Army, and criminal charges have been brought against him, under suspicion of having committed the criminal act from Article 47, paragraph 2 in connection with paragraph 1 of the Penal Code of the Republic of Serbia.

Incorrect are the allegations that the decision of the Government of the Republic of Serbia of 10 July 1997 on the imposition of mandatory rule in the Assembly of the Municipality of Novi Pazar contributed to an atmosphere of mistrust and fear in the region of Raska, which has led a growing number of Sandzak Muslims to leave the region for Bosnia and Herzegovina and western Europe. The truth is that, because of the close proximity of fighting in the period 1992-1994, the migration of the population in the region was more evident than in other parts of the Republic of Serbia. Migration included both Muslim and Serbian and Montenegrin populations; the reasons behind it were the war fought close to its borders and a fear that it might spill over into the territory of the Republic of Serbia. A portion of the population emigrated much earlier, i.e. before the disintegration of the former SFRY, for economic reasons.

Consequently, bringing into a negative context the legal and justified decision of the Government of the Republic of Serbia and linking it to the phenomenon of migration of the population in the region of Raska is ill-intentioned and inappropriate.